

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Fung et al. Confirmation No.: 4825
Serial No.: 10/583,927 (National Stage of Int'l Art Unit: To be assigned
Application No. PCT/US04/43501)
Int'l Filing Date: December 23, 2004 Examiner: To be assigned
For: NOVEL ANTI-IL-13 ANTIBODIES Attorney Docket No.: 12279-187-999
AND USES THEREOF

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response ("Notification") mailed August 29, 2008 in connection with the above-identified application, Applicants submit herewith a Declaration for Non-Provisional Patent Application executed by Sek Chung Fung on September 13, 2008, Matthew Moyle on September 19, 2008, Mason Lu on September 16, 2008, Sanjaya Singh on September 17, 2008, and Dan Huang on September 18, 2008.

Also enclosed is a Petition under 37 C.F.R. § 1.47(a) accompanied by a Declaration of Hong-Van M. Le in Support of Petition Submitted under 37 C.F.R. § 1.47(a).

Pursuant to 37 C.F.R. § 1.47(a), Sek Chung Fung, Matthew Moyle, Mason Lu, Sanjaya Singh, and Dan Huang, inventors of the above-identified application, petition for entry of the Declaration that they have executed on behalf of themselves and on behalf of Changning Yan, a joint inventor who cannot be reached.

With respect to the Sequence Listing, the Notification states that a copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. § 1.821(e). Applicants respectfully disagree for the reasons set forth below.

In Applicants responses filed June 8, 2007 and September 25, 2008, Applicants have requested that the computer readable form of the sequence listing in the instant application be identical with that of International Patent Application No. PCT/US2004/043501, filed on December 23, 2004 in the United States Receiving Office, and Applicants stated that the computer readable form of the sequence listing is identical to that of the instant application.

Nevertheless, Applicants submit herewith a Sequence Listing Statement in accordance with 37 C.F.R. § 1.821(e) and (f) to address the defect specified in the Notification regarding the sequence listing.

However, in the event that there are any issues with accessing the Sequence Listing in computer readable form filed in International Patent Application number PCT/US2004/043501 and to expedite processing of the instant application, Applicants submit herewith a courtesy copy of the Sequence Listing in computer readable form filed in International Patent Application number PCT/US2004/043501, filed on December 23, 2004 in the United States Patent and Trademark Office Receiving Office, in compliance with 37 C.F.R. § 1.821(e), (f), and (g).

With respect to formalities, Applicants note that a response to the Notification of Defective Response mailed August 21, 2007 was filed on September 25, 2007, not December 2, 2007, as noted in the Notification. A Revocation and Power of Attorney was filed on December 2, 2007.

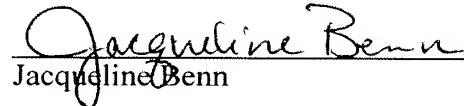
It is requested that the enclosed documents be made of record in the file of the above-identified application.

Since this response is being filed using EFS-Web, a return copy of the Notification is not included herewith.

It is believed that no additional fee is due in connection with the filing of this response. However, should a fee be required, please charge the fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: September 29, 2008

 43,492
Jacqueline Benn (Reg. No.)

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